

**REMARKS**

Claims 1-40 were examined in the outstanding office action mailed on 10/19/2006 (hereafter "Outstanding Office Action"). All claims were rejected. By virtue of this response, claims 12 and 32 are sought to be amended, and claims 41-47 are sought to be added. The amendments and additions are believed not to introduce new subject matter, and their entry is respectfully requested. The amendments are made without prejudice or disclaimer. Claims 1-47 are thus respectfully presented for reconsideration.

***Telephone Interview***

As noted above, a telephone interview was conducted with Examiner Basher on January 17, 2007. Only the undersigned representative and Examiner Basher are believed to be the participants.

The undersigned representative reviewed the subject matter of the instant patent application and U.S. PG Pub No. US 2004/0205567, filed 1/22/2002, naming Nielsen as inventor (hereinafter Nielsen) to point to the differences explained below in the response.

The Examiner also reminded the requirement for a substitute specification (in the Outstanding Office Action), which the undersigned representative readily agreed to provide accompanying the present response.

The applicant is believed to have met the burden of making of record the Substance of the Interview. The Examiner is respectfully requested to send a duly completed Interview Summary form PTOL 413 if one has not been sent already. See MPEP 713.04 for further clarification.

***Specification***

The specification was objected to, requiring a substitute specification. A new specification with font size 12 and Arial font is substituted here.

It is believed that the substitute specification does not add new matter, and its entry and withdrawal of the objection is respectfully requested.

***Claim Rejections Under 35 U.S.C. §§ 102/103***

Claims 1-2,12-13,21-22, and 32-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen. Applicants respectfully traverse.

For example, claim 1 recites in relevant parts, "... ***receiving a file identifier*** of said data file ***from an application***; retrieving a first data element from said data file, ... providing ***said portion identifier associated with said first data element to said application.***" (*Emphasis Added*).

The applicants do not find in Nielsen an application from which a file identifier is received, and providing the portion identifier and the data element to the same application.

On the other hand, Nielsen relates to imbedding XML fragments in XML documents during run-time, and teaches:

A method for dynamically modifying a mark-up language document (e.g., an XML test suite file) during runtime with data unavailable when the mark-up language document is created. A mechanism is also provided for allowing one to specify a location in the mark-up language document for inserting the data." (Abstract of Nielsen).

[0036] The dynamic markup language document modification module 120 includes ***a parser 130 for receiving a markup language document (e.g., an XML test suite file 110)*** and based thereon for generating a representation 134 (e.g., an internal representation) of the document 110. For example, this internal representation 134 may be a document object model (DOM), which is a tree like data structure representation of an XML document.

[0037] The DDMM 120 also includes ***an injection mechanism 140*** for receiving the data 144 from the run-time environment 140 and ***injecting the data 144 into the representation 134.*** The injection mechanism 140 is described in greater detail hereinafter with reference to FIG. 2.

[0088] The algorithm for this step (as well as step 6) is defined in the algorithm called "replace references" described previously. The algorithm ***involves traversing the request element (e.g., the DOM tree)*** in order to search for nodes or attributes with names beginning with an insertion tag (e.g., "ref:"). ***When nodes or attributes with the "ref:" tag are found, the contents of such nodes or attributes are treated as an XPath relative to the current node.*** This XPath leads us to another node. (*Emphasis Added*)

It is unclear which entity/entities of Nielsen satisfies the application and the associated

interaction noted above for the purpose of rejection under 35 U.S.C. § 102.

In particular, based on the emphasized language of paragraph 0088 of Nielsen, it is believed that representation 134 of Nielsen does not store the XPATHS of nodes.

It is accordingly believed that independent claim 1 is allowable over the art of record. Claims 2-11, 41 and 42 are allowable over the art of record at least as depending from allowable base claim 1. Claims 21-31, 44-45 and 47 are also allowable over the art of record for similar reasons.

Currently amended independent claim 12 is also allowable over Nielsen in reciting, "... ***an application*** using data contained in a data file, ... ***instructing a parser to parse said data file of interest; obtaining a portion identifier associated with a data element*** from said parser, wherein said portion identifier identifies said data element in said data file according to said markup language, said portion identifier being contained in said plurality of data elements; and processing said data element and said portion identifier." (***Emphasis Added***).

Again, it is believed that Nielsen does not disclose or reasonably suggest an application which instructs a parser to parse a file of interest, and receives both a portion identifier (of a data element) and the data element in association.

Thus independent claim 12 is believed to be allowable over the art of record. Claims 13-20 and 43 are allowable at least as depending from an allowable base claim 12. Claims 32-40 and 45 are also allowable at least for similar reasons.

Newly added claim 41 is allowable independently in reciting that, "... wherein said retrieving retrieves successive data elements from said data file, wherein said determining ***determines the portion identifier for each of said data elements in said data file upon retrieval of the data element*** based on a hierarchy in which the data element is present according to said markup language." (***Emphasis Added***)

Newly added claim independent claim 43 is independently allowable in reciting that, "said obtaining obtains each of said plurality of data elements associated with the corresponding portion identifier from said parser."

5 The rejections under 35 U.S.C. § 103 are rendered moot at least in view of the foregoing amendments and remarks.

Thus, it is believed that all the rejections have been overcome, and applicants respectfully request their withdrawal. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

Respectfully submitted,

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Signature

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